

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**LORENDO MOBLEY,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**CRIMINAL NO. 02-0153-CG**

**ORDER**

This cause is before the court on petitioner's motion for free transcripts and records on appeal (Doc. 103). Petitioner requests that the court provide him with the official court records in the case, including trial transcripts, for use in this §2255 proceeding.

28 U.S.C § 753(f) provides, in pertinent part,

Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous **and that the transcript is needed to decide the issue presented by the suit** or appeal.

(Emphasis supplied).

Petitioner has not alleged nor demonstrated that trial transcripts are necessary for the court to decide the issues presented, and until the United States files its answer to the petition, which answer is not yet due, the court cannot make that determination. Accordingly, the motion is DENIED.

**DONE and ORDERED** this 11<sup>th</sup> day of July, 2007.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE